

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

STEPHEN McCOLLUM, and SANDRA §  
McCOLLUM, individually, and STEPHANIE §  
KINGREY, individually and as independent §  
administrator of the Estate of LARRY GENE §  
McCOLLUM, §

PLAINTIFFS

V.

CIVIL ACTION NO.

4:14-cv-3253

## JURY DEMAND

BRAD LIVINGSTON, JEFF PRINGLE, §  
RICHARD CLARK, KAREN TATE, §  
SANDREA SANDERS, ROBERT EASON, the §  
UNIVERSITY OF TEXAS MEDICAL §  
BRANCH and the TEXAS DEPARTMENT OF §  
CRIMINAL JUSTICE. §

DEFENDANTS

## Plaintiffs' Consolidated Summary Judgment Response Appendix

# EXHIBIT 240

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**From:** Robert Williams  
**To:** George Crippen  
**Sent:** 8/10/2011 11:19:44 AM  
**Subject:** Re: Heat Illness

I won't see Dr Linthicum today. I don't see Linthicum or Thaler approving security staff providing any aspect of routine medical services.

You don't see the skin devices used in hospitals because it is less reliable. I expect it would be even less reliable in hot external environments.

----- Original Message -----

**From:** George Crippen  
**Sent:** 08/10/2011 11:11 AM CDT  
**To:** Robert Williams  
**Subject:** Fw: Heat Illness

Dr. Williams:

Please see the email below. Will you see Dr. Linthicum today? These are used at home by parents but I am not sure if they are used clinically ( I have not seen them used in hospitals, etc.) If you see Dr. Linthicum, could you ask her? I think it is still doing medical services but wanted to check to see if it might be done during this heat crisis.

Thanks

George Crippen, RN, MSN, PhDc  
Chief Nursing Officer/Director, Clinical Administration  
Texas Department of Criminal Justice  
email: george.crippen@tdcj.state.tx.us  
936-437-3595 (Office)  
936-437-3591 (Fax)

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----- Forwarded by George Crippen/Health\_Services/TDCJ on 08/10/2011 11:07 AM -----

**From:** "Eubank, Gary J." <gjeubank@UTMB.EDU>  
**To:** "george.crippen@tdcj.state.tx.us" <george.crippen@tdcj.state.tx.us>  
**Date:** 08/10/2011 08:55 AM  
**Subject:** FW: Heat Illness

George,  
What are your thoughts?

Gary J. Eubank, MSN, RN  
Chief Nursing Officer  
Correctional Managed Care  
University of Texas Medical Branch  
Ofc: 936-293-3653  
Cell: 936-232-3685

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-----Original Message-----

**From:** Robison, Jerri D.  
**Sent:** Tuesday, August 09, 2011 7:55 PM  
**To:** Eubank, Gary J.  
**Cc:** Robison, Justin R.; Brown, Paul V.; Abbott, Kirk D.  
**Subject:** Heat Illness

Hi Gary, Since we have so many heat related illnesses and they are only going to get worse, would it be possible to talk to Dr L to have security take temps after hours? We could order those forehead temp monitors because those are dummy proof to use and easily read. Security could even use these on the wings during hours of operation if they identify an offender not feeling well.

Does anyone have any other ideas.

Denee'  
806-438-7966



---

**From:** Robison, Jerri D.  
**Sent:** Thursday, April 10, 2014 9:25 PM  
**To:** Osteen, Jennifer K.  
**Subject:** FW: HEAT

!  
!

Denee' Robison, RN, BSN  
Region 2 DON UTMB/CMC  
Shelia-936-437-1439  
Cell Phone-806-438-7966

**Employee Advisory Council - UTMB CMC Representative**  
<http://blog.utmb.edu/EAC/>

[Employee Advisory Council](#)  
[Employee Advisory Council Contact Form](#)



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!

**From:** Robison, Jerri D.  
**Sent:** Thursday, August 11, 2011 7:50 PM  
**To:** Patton, Tara  
**Subject:** Fwd: HEAT

FYI

Denee'  
806-438-7966

Begin forwarded message:

**From:** "Adams, Charles D." <[cdadams@utmb.edu](mailto:cdadams@utmb.edu)>  
**Date:** August 11, 2011 7:41:51 PM CDT  
**To:** "Robison, Jerri D." <[jdrobiso@UTMB.EDU](mailto:jdrobiso@UTMB.EDU)>, "Adams, Glenda M." <[gmadams@utmb.edu](mailto:gmadams@utmb.edu)>  
**Subject:** Re: Fwd: HEAT

I like the gator aide. I don't know about the salt.... I would say no. Actually, they need cooling, water and electrolytes. We should also have a couple of liters of Ringer's Lactate in each unit's medical department refrigerator, some IV tubing at hand, and at least an 18 ga. butterfly. Ice would be nice to, while waiting for EMS, in very serious cases.

**From:** Robison, Jerri D.  
**To:** Adams, Charles D.; Adams, Glenda M.  
**Sent:** Thu Aug 11 19:29:59 2011  
**Subject:** Fwd: HEAT

See below. I think it is something to consider and wonder what you both think.

Denee'  
806-438-7966

Begin forwarded message:

**From:** "Patton, Tara" <[tapatton@UTMB.EDU](mailto:tapatton@UTMB.EDU)>  
**Date:** August 11, 2011 7:26:08 PM CDT  
**To:** "Robison, Jerri D." <[jdrobiso@UTMB.EDU](mailto:jdrobiso@UTMB.EDU)>  
**Subject:** HEAT

Denee,

Pam Pace and I have coordinated with the Michael Unit Commissary to obtain some cases of "Sport Drink Mix with Electrolytes" packets. We discussed this with Dr. Wright, and are going to mix this in water to give to conscious patients coming in to the clinic for heat related illnesses.

I am wondering about another thought that I had. Our ER has been inundated with heat related issues, and most patients understand to hydrate with water; however the majority of the patients who have been transferred 911 have been hyponatremic with other electrolyte imbalances as well. I was wondering if any thought had been given to the provision of salt tablets, 2 at each meal for the population (or however appropriate). This would be an inexpensive means of preventing emergencies due to insensible fluid electrolyte loss from sweating.

The U.S. Military uses this tactic with servicemen/women who are in areas of extreme heat up to 130 degrees. It is not a cure-all as fragile patients will be sensitive to heat extremes regardless; however, it might be less expensive than paying for the multitude of civilian healthcare costs that we are incurring.

It is just a thought and I wanted to throw it out there.

Tara

**Tara A. Patton, RN, BSN**  
**Facility Nurse Manager**  
**The University of Texas Medical Branch**  
**TDCJ Michael Unit**  
**903-928-2311 X 1300**  
**[tapatton@utmb.edu](mailto:tapatton@utmb.edu)**

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UNIVERSITY OF TEXAS MEDICAL §  
BRANCH and the TEXAS DEPARTMENT OF §  
CRIMINAL JUSTICE. §

DEFENDANTS

## Plaintiffs' Consolidated Summary Judgment Response Appendix

**EXHIBIT 242**





6915 ANTOINE, SUITE E  
HOUSTON, TEXAS 77091  
713-683-6363

P.O. BOX 2910  
AUSTIN, TEXAS 78768-2910  
512-463-0554

State of Texas  
House of Representatives  
SYLVESTER TURNER  
STATE REPRESENTATIVE

August 12, 2011

Mr. Brad Livingston  
Texas Department of Criminal Justice  
209 West 14th  
Austin, Texas 78701

Dear Mr. Livingston,

I have been receiving various reports in recent weeks regarding the extreme heat that inmates and guards are enduring this summer. In some instances I have received reports that temperatures inside cells have reached as high as 120 degrees during the day and do not fall below 100 degrees at night.

I am fully aware of the lack of air conditioning in most of the units but I believe that any and all preventative measures must be taken and exhausted to ensure that inmates and guards inside TDCJ do not suffer.

I have reviewed TDCJ's policy regarding heat and am concerned that the measures provided do not adequately address the unprecedented heat being experienced. It is my understanding that there are a number of fans that could be recycled and given to inmates that are indigent at no cost to TDCJ.

If your office could please provide me with an action plan to ensure steps are being taken to provide some relief, I would be most appreciative.

Most Sincerely,

A handwritten signature in cursive script that reads "Sylvester Turner".

Sylvester Turner  
State Representative  
District 139

UNITED STATES DISTRICT COURT  
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CRIMINAL JUSTICE. §

DEFENDANTS

## Plaintiffs' Consolidated Summary Judgment Response Appendix

# EXHIBIT 243



## Texas Department of Criminal Justice

Brad Livingston  
Executive Director

August 16, 2011

The Honorable Sylvester Turner  
Texas State Representative  
Room: CAP 1W.06, Capitol  
P. O. Box 2910  
Austin, Texas 78768

Dear Representative Turner:

The Texas Department of Criminal Justice (TDCJ) appreciates your concern regarding the extreme heat condition currently being experienced by the TDCJ staff and offender population. The TDCJ is equally concerned about the importance of the safety and welfare of the staff and offender population and has implemented various preventative measures and protocols to mitigate the effects of adverse weather conditions.

System-wide protocols are, and will continue to remain in place in order to address the effects of the extreme temperatures and heat. These protocols include, but are not limited to: increase the awareness of staff and offenders on the signs and treatment for heat related illnesses; providing additional water and ice in the work and housing areas, including more frequent water breaks; restricting outside activity (work hours); allowing additional showers; allowing offenders to wear shorts in the dayrooms and recreational areas; and by appropriately assigning and rotating the offenders and staff in housing and work areas. In addition, to continue to mitigate the effects of the extreme heat on offenders and staff the Correctional Institutions Division is working closely with the Facilities Division to maximize all ventilation systems.

Through consultation with the offender medical and transportation staff, the TDCJ has incorporated preventative measures by developing profiles for offenders who may be of a higher risk of being susceptible to heat. Through this process, identified offenders are scheduled to be transported during the coolest hours of the day. This information is also utilized by correctional staff working in the offender housing areas to conduct additional wellness checks on these offenders.

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*Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.*

P.O. Box 99  
Huntsville, Texas 77342-0099  
(936) 437-2101

Plaintiffs' MSJ Appx. 6121

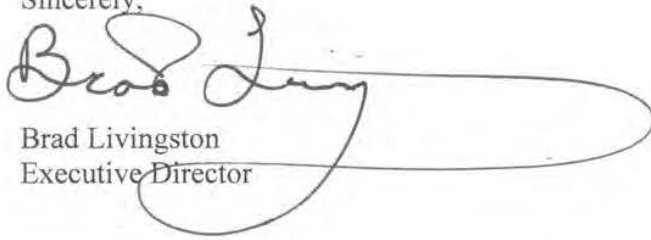
000026

Note, where there are fans available for recycling to the offender population, the agency is actively providing fans to our indigent offenders through the loaner fan program.

The TDCJ understands its responsibility and is committed to ensuring the safety and welfare of our staff and offenders. The agency has taken a number of actions to mitigate the impact of extreme heat and will continue to examine any means that may provide further assistance.

Please do not hesitate to contact me, should you have further questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Livingston", with a long horizontal flourish extending to the right.

Brad Livingston  
Executive Director

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*Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.*

P.O. Box 99  
Huntsville, Texas 77342-0099  
(936) 437-2101

Plaintiffs' MSJ Appx 6122

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UNITED STATES DISTRICT COURT  
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UNIVERSITY OF TEXAS MEDICAL §  
BRANCH and the TEXAS DEPARTMENT OF §  
CRIMINAL JUSTICE. §

DEFENDANTS

## Plaintiffs' Consolidated Summary Judgment Response Appendix

**EXHIBIT 244**



**From:** Roy Storie/Admin\_Review\_&\_Risk\_Mgmt/TDCJ  
**To:** Jeff Pringle/Institutional/TDCJ@TDCJ  
**cc:** Roy Storie/Admin\_Review\_&\_Risk\_Mgmt/TDCJ@TDCJ

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**Date:** Wednesday, August 17, 2011 03:23PM

**Subject:** Offender Housing temps

---

Warden Pringle

The outside temperature for 8/16/2011 @ 10:00 AM was 92 degrees.  
The following temps have been recorded on 8/12/2011 @ 10:00 AM.

K-1 = 80 deg. Air supply not working. WO #  
K-2 = 86 Air supply not functional. WO #  
K-3 = 88 Air supply not functional. WO #  
K-4 = 76  
K-5 = 76

} corrected on 8/18/11

The outside temperature for 8/16/2011 @ 2:00 PM was 106  
The following temps have been recorded on 8/16/2011 @ 2:00 PM.

C-1 = 102  
C-2 = 101  
C-3 = 102  
C-4 = 102

=

OPEN RECORDS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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UNIVERSITY OF TEXAS MEDICAL §  
BRANCH and the TEXAS DEPARTMENT OF §  
CRIMINAL JUSTICE. §

DEFENDANTS

## Plaintiffs' Consolidated Summary Judgment Response Appendix

# EXHIBIT 245

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**From:** Moultrie, Jane M.  
**To:** Cooper, Nina G.; Adams, Glenda M.; Robert Williams; Adams, Charles D.  
**CC:** Dostal, Susan; Vincent, Douglas N.; DeYoung, Andy G.  
**Sent:** 9/24/2011 1:31:18 PM  
**Subject:** Re: Fwd: PEARL problem list

I'd need to see that again to get familiar with it. Is there a master list of things to address in the future for EMR?

Adding Andy to three recipients.

Jane Moultrie, M.D.  
Medical Director Pam Lychner/Joe Kegans State Jails  
Interim Co-Medical Director UTMB-CMC Region 3

-----Original message-----

From: "Nina Cooper, BS, RDH" <ngcooper@utmb.edu>  
To: "Moultrie, Jane M." <jmmoultr@utmb.edu>, "Adams, Glenda M." <gmads@utmb.edu>, "Williams, Robert" <robert.williams@tdcj.state.tx.us>, "Adams, Charles D." <cdadams@utmb.edu>  
Cc: "Dostal, Susan" <skdostal@UTMB.EDU>, "Vincent, Douglas N." <dnvincen@UTMB.EDU>  
Sent: Sat, Sep 24, 2011 18:25:03 GMT+00:00  
Subject: Re: Fwd: PEARL problem list

This would probably best to document in Patient Category or Functional Status in Pearl 7

Nina Cooper  
IS CMC Tech OPS  
830.708.5111

---

From: "Moultrie, Jane M." <jmmoultr@utmb.edu>  
Date: Sat, 24 Sep 2011 13:00:50 -0500  
To: Adams, Glenda M.<gmads@utmb.edu>; Williams, Robert<robert.williams@tdcj.state.tx.us>; Adams, Charles D.<cdadams@utmb.edu>; Cooper, Nina G.<ngcooper@utmb.edu>  
Cc: Dostal, Susan<skdostal@UTMB.EDU>  
Subject: RE: Fwd: PEARL problem list

Well, if we need an easy reference for unit staff to verify that a patient needs the a/c dorm, we could possibly add a "diagnosis" for the admin list saying so. However, this use of the problem list is a slippery slope and even the admin list could have important info obscured by all the other stuff. It just seemed like this fell under a housing restriction.

Jane Moultrie, M.D.  
Medical Director Pam Lychner/Joe Kegans State Jails  
Interim Co-Medical Director UTMB-CMC Region 3

-----Original message-----

From: "Adams, Glenda M." <gmads@utmb.edu>  
To: "Williams, Robert" <robert.williams@tdcj.state.tx.us>, "Moultrie, Jane M." <jmmoultr@utmb.edu>, "Adams, Charles D." <cdadams@utmb.edu>, "Cooper, Nina G." <ngcooper@utmb.edu>  
Cc: "Dostal, Susan" <skdostal@UTMB.EDU>  
Sent: Sat, Sep 24, 2011 15:08:28 GMT+00:00  
Subject: RE: Fwd: PEARL problem list

I think Jane is suggesting an addition to the HSM18 for Air Conditioned Housing. However, I think such an HSM18 restriction available to all providers would result in numerous such classifications by unit staff (especially with the recent summer heat issue) and would far exceed the ability of the system to meet such a restriction. I believe we will need to continue allowing unit staff to contact TDCJ HSL and/or UR for severe cases needing air



conditioning - e.g. T6 and above spinal cord injuries, severe asthmatics, some cases of MS, etc.

Jane?

Glenda M. Adams, M.D., M.P.H., C.C.H.P.  
Senior Medical Director Inpatient Operations  
UTMB Correctional Managed Care

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---

From: Robert.Williams@tdcj.state.tx.us [Robert.Williams@tdcj.state.tx.us]  
Sent: Saturday, September 24, 2011 12:54 AM  
To: Moultrie, Jane M.; Adams, Charles D.; Adams, Glenda M.; Cooper, Nina G.  
Cc: Dostal, Susan  
Subject: Re: Fwd: PEARL problem list

I don't quite understand the issue. Maybe I don't have the entire email train or I am just dense.

----- Original Message -----

From: "Moultrie, Jane M." [jmmoultr@utmb.edu]  
Sent: 09/24/2011 05:50 AM GMT  
To: Robert Williams; "Adams, Charles D." <cdadams@utmb.edu>; "Adams, Glenda M." <gmadams@utmb.edu>; "Cooper, Nina G." <ngcooper@utmb.edu>  
Cc: "Dostal, Susan" <skdostal@UTMB.EDU>  
Subject: Fwd: PEARL problem list

I am sending this to you because I know that the classification policy has recently been looked at and ms dostal's issue with climate control housing would be better addressed by restrictions than by putting it on the problem list, I think.

Sent from my iPad

Begin forwarded message:

From: "Nina Cooper, BS, RDH" <ngcooper@utmb.edu<mailto:ngcooper@utmb.edu>>  
Date: September 23, 2011 14:10:19 CDT  
To: Jane Moultrie <jmmoultr@utmb.edu<mailto:jmmoultr@utmb.edu>>  
Subject: Fw: PEARL problem list  
Reply-To: <ngcooper@utmb.edu<mailto:ngcooper@utmb.edu>>

How should I answer this?

Nina Cooper  
IS CMC Tech OPS  
830.708.5111

---

From: "Dostal, Susan" <skdostal@UTMB.EDU<mailto:skdostal@UTMB.EDU>>  
Date: Fri, 23 Sep 2011 13:56:28 -0500  
To: Cooper, Nina G.<ngcooper@utmb.edu<mailto:ngcooper@utmb.edu>>

Subject: PEARL problem list

I have another suggestion.

On the master problem list we need a diagnosis for those offenders that are required to be in "climate controlled housing". By policy it is T6 spinal cord injury or higher. It just took me way too long to find this in the EMR for an isolation case.

Susan K. Dostal, Sr Practice Manager  
Jester Complex  
office: J3 (281)277-7000, ext 3358

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**From:** Kathryn Buskirk  
**To:** Lannette Linthicum  
**CC:** Phyllis Mcwhorter  
**Sent:** 10/20/2011 4:55:03 PM  
**Subject:** Fw: update on "Possible Heat-Related Deaths"  
**Attachments:** Update-Possible Heat-Related Deaths 10-20-11.ppt

----- Forwarded by Kathryn Buskirk/Health\_Services/TDCJ on 10/20/11 04:54 PM -----

**From:** Kathryn Buskirk/Health\_Services/TDCJ  
**To:** Marsha Brumley/Health\_Services/TDCJ@TDCJ  
**Date:** 10/20/11 04:52 PM  
**Subject:** update on "Possible Heat-Related Deaths"

I was just made aware of another case to add to the list: Douglas Hudson. He died back in July and his final autopsy confirmed the notation on the attached list:

**DOCUMENT PLACEHOLDER**

**File Name:** Update-Possible Heat-Related Deaths 10-20-11.ppt

# Possible Heat-Related Deaths 2011 updated 10-20-11

Name	TDCJ Number	Unit of Assignment	Date of Death	Autopsy Location	Autopsy Information
McCollum, Larry	1721640	Hutchins	July 22, 2011	DALLAS Cty	Not available yet
<u>Hudson, Douglas</u>	1722504	Gurney	July 25, 2011	UTMB	10-6-11 Final Autopsy: " it is our opinion that the cause of death is environmental hyperthermia (heat stroke). "
Meyers, Thomas	680515	Coffield	August 2, 2011	UTMB	Provisional: "pending final autopsy"
Black, Shearry	1497435	Hobby	August 3, 2011	UTMB	Provisional: "pending final autopsy"
Webb, Robert	1569761	Hodge	August 4, 2011	UTMB	Provisional: "sudden cardiac death"
Martone, Michael	1395315	Huntsville	August 8, 2011	Harris Cty ME	Not available yet
Togonidze, Alexander	1578039	Michael	August 8, 2011	UTMB	Provisional: "hyperthermia"
Cook, Charles	1457546	Hodge	August 8, 2011	UTMB	Provisional: "hyperthermia"
<u>Marcus, Kelly</u>	1128380	Connally	August 12, 2011	UTMB	9-23-11 Final Autopsy: " most likely environmental hyperthermia-related classic heat stroke though toxicology tests and vitreous humor tests are still pending."
<u>James, Kenneth</u>	1726849	Gurney	August 13, 2011	UTMB	9-23-11 Final Autopsy: " most likely environmental hyperthermia-related classic heat stroke though toxicology tests and vitreous humor tests are still pending."
Jones, Jeffery	1728537	Gurney	August 20, 2011	UTMB	Provisional: "pending final autopsy"
Alvarado, Daniel	1517660	Beto	August 20, 2011	UTMB	Provisional: "pending final autopsy"
Jackson, Curtis	1623790	Estelle	August 20, 2011	UTMB	Provisional: "coronary heart disease?"
Johnson, Emma	1673927	Murray	August 25, 2011	UTMB	Not available yet
Bogus, James	1593395	Gurney	September 1, 2011	UTMB	Provisional: "pending final autopsy"